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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,887	07/07/2004	Josef Battig	004501-777	8884

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EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/500,887	Applicant(s) BATTIG, JOSEF	
	Examiner Amy J. Sterling	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for application number 10/500,887, Securing Device for a Turbocharger, filed on 7/7/04. Claims 1-13 are pending.

Information Disclosure Statement

The information disclosure statement submitted on 7/7/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Cited reference Europe 0785389, dated 7/23/97 did not appear in the file and should be resubmitted in order to be considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "42" has been used to designate both the "second foot stop" and "a portion of the casing" near the "first foot". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 2 recites, "a turbocharger casing to a base" and this limitation is unclear. Perhaps the limitation was intended to contain the term "connected" or "secured".

Claim 1, line 3 recites, "a partial circle arc of at least 90°, preferably of 180° +/- 30°". This is a range within a range and it is considered unclear because it is impossible to ascertain as to what maybe the limits of the range.

Claim 5, line 3 recites "and are preferably of plate-like design" and this is unclear because it is impossible to tell if the term "preferably" is a limitation or a mere suggestion. Also, "plate-like" is indefinite because it is impossible to tell how far the term "like" deviates from limitation.

Claim 7, line 3, recites, "shell-like" is indefinite because it is impossible to tell how far the term "like" deviates from limitation. The term "preferably" also renders the claim indefinite for the same reason as claim 5.

Claim 12 recites the term “preferably” and this is indefinite for the reasons cited above in claim 5.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3891345 to Doolin.

The patent to Doolin discloses a securing device for securing a turbocharger having a turbocharger casing (12, 16) secured to a base, having a first (26) and a second foot (28) which can be fixed in the base, it being possible for the two feet to be connected to the turbocharger casing at an axial distance from one another, and the second foot having a casing connection region (34), which can be connected to the turbocharger casing (14) and is designed in the form of at least a partial circle arc of at least 90°, and a base connection region (44, 46) which is at an axial distance from the casing connection region (34) and the base connection region is on the opposite side of the casing connection region from the first foot and can be connected to the base (19) via a securing means (54) that are openings with play, a sliding shoe and a securing element (52) that secures in such a manner that the second foot can be displaced with respect to the base at least axially in the region of a defined path.

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Doolin also teaches an axial strut arrangement (32, 40, 42), which connects the two connection regions to one another and includes an angle α in the range from 0° to 60° with the base (19) that wherein the casing connection region (34) has an axial stop (hole in 34) which is in the form of a circle arc and can be connected in a positively locking manner in the axial direction to the turbocharger casing (12, 14) and a side strut arrangement (48, 50) which engage on the circle-arc shaped casing connection region (34) on both sides of the longitudinal axis of the turbocharger and extend as far as the base (44, 46), forming a support, wherein the casing connection region, the base connection region and the side strut arrangements are shaped like a plate, wherein the axial strut arrangement (32, 40, 42) is designed in such a way that it is in each case laterally connected to the respective side strut arrangement over its entire axial length. Doolin also teaches that the axial strut has a shell shape, the cross section of which is a partial circle and the cross section of the base is approximately a straight line.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3891345 to Doolin as applied to claim 1 above, and in view of United States Patent No. 6244819 to Voorhees.

Doolin discloses applicant's basic inventive concept, all the elements which are shown above and including teaching wherein the turbocharger casing has a connecting flange (14) the external radius of which corresponds to the radius of the partial circle of the casing connection region (34) so that the connecting flange and the casing connection region engage in one another in a positively locking manner and wherein the casing connection region and the turbocharger casing are fixed with respect to one another by means of a fixing element (36).

Doolin does not show wherein the fixing element are fixing elements which are distributed uniformly over the partial circle arc.

Voorhees teaches a support assembly for a turbocharger which has a partial circle arc casing connection region (18) with a multiple of uniformly distributed fixing elements (60) distributed over the partial circle arc, the extra fixing elements used in order to further secure the device to the casing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Voorhees to have used multiple fixing elements and to have distributed them evenly over the arc, in order to have the desired elements securely fastened to one another.

Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3891345 to Doolin as applied to claim 1 above.

Doolin teaches the basic concept and teachings the amount of casings as recited by the claims above.

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Doolin also teaches a compressor casing (18) and a turbine casing (12) and a bearing casing (16) and a gas inlet casing (14) and a gas outlet casing (10) and wherein the second foot is arranged at a distance from the first foot in a direction of the gas inlet casing and the first foot is a bearing foot and is connected to a bearing casing and arranged between the turbine casing the compressor casing and is connected to the gas outlet casing on the turbine side by way of a connecting element which axially fixes the gas outlet casing and connected to a saddle (30) on the compressor side which is supported in a sliding manner.

Doolin does not teach that the specific components which is housed in each casing except the bearing casing (16), but it would be obvious to house whichever component is desired within each casing, the crux of the invention being the first and second foot, not the turbine and the compressor itself.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various securing devices

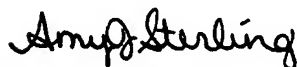
6099250 to Ko

3628884 to Mierley, Sr.

2469936 to Tabbert

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Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.



Amy J. Sterling

3/31/06